

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

Civil No. 12-2039 (GAG)

**MOTION SUBMITTING INFORMATION ON CIVIL ACTIONS ALLEGING A
PATTERN OR PRACTICE OF POLICE MISCONDUCT**

Plaintiff, United States of America, respectfully submits the information below and in the attached chart on civil actions filed by the United States Department of Justice (“DOJ”) alleging a pattern or practice of police misconduct in compliance with this Court’s December 28, 2012, Order. (Dkt. #6.) The attached chart titled, “Civil Actions Filed by the U.S. Department of Justice under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141,” includes the information specified in Paragraphs 1-3 of the Order.

1. On December 28, 2012, the Court directed the United States to submit information on civil rights actions filed by DOJ alleging violations similar to those in the instant action against any State, Commonwealth, territory, county, municipality, or other political subdivision. (Dkt. #6.)

2. The United States brought the instant action against the Commonwealth of Puerto Rico and the Puerto Rico Police Department to remedy an alleged pattern or practice of police misconduct under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (“Section 14141”). (Dkt. #1, 10.) Section 14141 makes it unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental

authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. 42 U.S.C. § 14141(a). Whenever the Attorney General has reasonable cause to believe that a violation of Section 14141(a) has occurred, the Attorney General may initiate a civil action to obtain appropriate equitable and declaratory relief to eliminate the pattern or practice of misconduct. 42 U.S.C. § 14141(b).

3. Since the enactment of Section 14141 and as detailed in the attached chart, DOJ has filed 17 civil actions, including the instant case, to remedy an alleged pattern or practice of constitutional violations by law enforcement officers conducting policing functions in jurisdictions across the country.¹

4. Currently, litigation is ongoing in three cases filed in 2012. *See United States v. Terry S. Johnson*, No. 1:12-cv-01349 (M.D.N.C. Dec. 20, 2012); *United States v. Town of Colorado City*, No. 3:12-cv-08123 (D. Ariz. June 21, 2012); and *United States v. Maricopa Cnty.*, No. 2:12-cv-00981 (D. Ariz. May 10, 2012). In the 14 remaining cases, the parties resolved, or are seeking to resolve, the action by agreement without resort to contested litigation on the merits. The settlement agreements entered into by the parties in those instances have not been rejected by any court. In *United States v. City of Portland*, No. 3:12-cv-02265 (D. Or. Dec. 17, 2012) and in the instant case, the parties' joint motions seeking approval and entry of the settlement agreements are pending before the respective courts.

WHEREFORE, the United States respectfully requests that the Court take notice of the aforementioned.

¹ Some cases involved statutory claims pursuant to other federal statutes in addition to Section 14141. These cases are identified with an asterisk (*) in the attached chart.

Respectfully submitted, this 30th day of January, 2013,

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2013, a copy of the foregoing was filed electronically through the Court's CM/ECF System, which will automatically transmit notice of the filing to all attorneys of record via electronic mail.

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